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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,525	07/23/2003	Shunichiro Nonaka	0649-0903P	6670
2252	7590	12/19/2008		
BIRCH STEWART KOLASCH & BIRCH				EXAMINER
PO BOX 747				MILIA, MARK R
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2625	
NOTIFICATION DATE	DELIVERY MODE			
12/19/2008	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/624,525	Applicant(s) NONAKA, SHUNICHIRO
	Examiner Mark R. Milia	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 August 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9,12,15 and 18 is/are rejected.

7) Claim(s) 1,10,13,14,16 and 17 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 8/25/08 and has been entered and made of record. Currently, claims 1-18 are pending.

Response to Arguments

2. Applicant's arguments filed 8/25/08 have been fully considered but they are not persuasive.

Applicant asserts that Moriya (JP 2002-199151) and DeSalvo (US 2003/0208546) do not "discriminate, based on a header of the E-mail, the type of transmitting terminal". The examiner respectfully disagrees as the combination of Moriya and DeSalvo do disclose such a limitation. Particularly, Moriya discloses an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data (paragraphs 38 and 45). DeSalvo discloses extracting the type of an attachment from a received e-mail message utilizing an attachment analysis module **242** that searches the e-mail message for an attachment header (paragraphs 26 and 28). It would have been obvious to one of ordinary skill in the art to combine the teachings of Moriya and DeSalvo to store a type of input device

information within the file format of the image data and attach the image data as an e-mail message and send all of the information to a server or intermediate device where the data is analyzed for input device type and attachment file type and is converted into an appropriate format that an output device can handle.

The applicant further asserts that Moriya does not disclose substitution of an E-mail attachment, and subsequent transmission of the attachment-substituted E-mail. The examiner respectfully disagrees as the combination of Moriya and DeSalvo does disclose such a limitation. Particularly, Moriya discloses that data of a picture photoed with a digital camera with which the portable mail terminal **20A** was equipped is processed, such as changing the image size, color correction, sharpness, etc. and then sent to server **100** for storage. Moriya further states that depending on the output device and the characteristics of the output device the image data is processed again to be suitable for display or printing at the output device (paragraphs 44 and 56). DeSalvo discloses that the attachment processing module **240** will determine whether the destination address is another wireless device capable of processing the converted attachment and will transmit the converted attachment, rather than the original attachment that was transmitted to the service **100** (paragraph 34). Therefore, the combination of the teachings discloses substitution of an E-mail attachment, and subsequent transmission of the attachment-substituted E-mail.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-9, 12, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriya (JP 2002-199151), as cited in the IDS dated 8/8/06, (reference will be made to a machine translation which has been furnished with a previous Office Action) in view of DeSalvo (US 2003/0208546).

Regarding claim 1, Moriya discloses an image-attached mail transiting apparatus for performing predetermined image processing for an image according to a type of a transmitting terminal with a camera, which transmits an E-mail to which the image is attached, comprising: a type discriminating unit that discriminates the type of the transmitting terminal, which transmits the E-mail to be received by the image-attached mail transiting apparatus (see paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data), a parameter deciding unit that decides a first parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the transmitting terminal (see paragraphs 34, 36-40, and 44-46), and an image processing unit that performs predetermined image processing based on the first parameter for the attached image (see paragraphs 34, 36-40, and 44-46), wherein an image processed by the image processing unit is substituted for the attached image of

the E-mail, and then an altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraphs 44 and 56, data of a picture photoed with a digital camera with which the portable mail terminal **20A** was equipped is processed, such as changing the image size, color correction, sharpness, etc. and then sent to server **100** for storage and then the data is sent from the server **100** to an output device, depending on the characteristics of the output device the image data is processed again to be suitable for display or printing at the output device).

Moriya does not disclose expressly discriminating based on a header of the E-mail the type of transmitting terminal.

DeSalvo discloses discriminating based on a header of the E-mail the type of transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header is analyzed to determine if an attachment is present and if there is an attachment determines the type of attachment) and an image processed by the image processing unit is substituted for the attached image of the E-mail, and then an altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraph 34, the attachment processing module **240** will determine whether the destination address is another wireless device capable of processing the converted attachment and will transmit the converted attachment, rather than the original attachment that was transmitted to the service **100**).

Regarding claims 4 and 7, Moriya discloses an image-attached mail transiting method and program for performing predetermined image processing for an image according to a type of a transmitting terminal with a camera, which transmits an E-mail

to which the image is attached, comprising: a first type discriminating step of discriminating the type of the transmitting terminal, which transmits the E-mail (see paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data), a first parameter deciding step of deciding a first parameter indicating what processing should be performed for an attached image of the E-mail according to the type of the transmitting terminal (see paragraphs 34, 36-40, and 44-46), a first image processing step of performing predetermined image processing based on the first parameter for the attached image (see paragraphs 34, 36-40, and 44-46), an image substituting step of substituting an image processed in the first image processing step for the attached image of the E-mail (see paragraphs 44 and 48), and a mail transmitting step of transmitting an altered E-mail, to which a substituted image is attached, to a receiving terminal (see paragraphs 44 and 56, data of a picture photoed with a digital camera with which the portable mail terminal **20A** was equipped is processed, such as changing the image size, color correction, sharpness, etc. and then sent to server **100** for storage and then the data is sent from the server **100** to an output device, depending on the characteristics of the output device the image data is processed again to be suitable for display or printing at the output device).

Moriya does not disclose expressly discriminating based on a header of the E-mail the type of transmitting terminal.

DeSalvo discloses discriminating based on a header of the E-mail the type of transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header is analyzed to determine if an attachment is present and if there is an attachment determines the type of attachment) and an image processed by the image processing unit is substituted for the attached image of the E-mail, and then an altered E-mail, to which the substituted image is attached, is transmitted to a receiving terminal (see paragraph 34, the attachment processing module **240** will determine whether the destination address is another wireless device capable of processing the converted attachment and will transmit the converted attachment, rather than the original attachment that was transmitted to the service **100**).

Regarding claims 12, 15, and 18, Moriya discloses an image-attached mail transiting apparatus and method for performing predetermined image processing for a first image according to a type of a transmitting terminal with a camera, which transmits a first E-mail to which the first image is attached, comprising: a type discriminating unit that discriminates the type of the transmitting terminal which transmits the first E-mail to be received by the image-attached mail transiting apparatus (see paragraphs 2, 7-8, 14-16, 34, 38, and 45, an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added to the file format of the image data), a parameter deciding unit that decides a parameter indicating what processing should be performed for the attached image, according to the type of the transmitting terminal (see paragraphs 34, 36-40, and 44-46), an image processing unit that performs predetermined image

processing for the attached image, based on the parameter (see paragraphs 34, 36-40, and 44-46), and an image storing unit that stores the attached image processed by the image processing unit (see paragraph 44).

Moriya does not disclose expressly discriminating based on a header of the E-mail the type of transmitting terminal and a mail transmitting unit that transmits a second E-mail to a receiving terminal, the second E-mail containing an address indicating where the image processed by the image processing unit is stored.

DeSalvo discloses discriminating based on a header of the E-mail the type of transmitting terminal (see paragraphs 26 and 28, reference shows that an e-mail header is analyzed to determine if an attachment is present and if there is an attachment determines the type of attachment, which in turn would discriminate the type of transmitting terminal based on file type, attributes, or complexity) and a mail transmitting unit that transmits a second E-mail to a receiving terminal, the second E-mail containing an address indicating where the image processed by the image processing unit is stored (see paragraphs 24, 26, 28, 30, 32, and 34).

Moriya & DeSalvo are combinable because they are from the same field of endeavor, image processing based on input/output devices.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the analyzing of an e-mail header to determine the type of attached file, as described by DeSalvo, with the system of Moriya. Moriya discloses an input device information acquisition section **120** which is part of server **100** that determines the type of input device (transmitting terminal), the information being added

to the file format of the image data (paragraphs 38 and 45). Storing information within e-mail headers, such as sender information, is well known in the art and therefore it would have been obvious to analyze an e-mail header to determine the type of transmitting terminal, based on the disclosures of Moriya and DeSalvo.

The suggestion/motivation for doing so would have been to efficiently and intelligently obtain image information as it relates to a transmission terminal to increase overall system speed.

Therefore, it would have been obvious to combine DeSalvo with Moriya to obtain the invention as specified in claims 1, 4, 7, 12, 15, and 18.

Regarding claim 2, Moriya further discloses wherein the type discriminating unit discriminates the type of the receiving terminal having a display (see paragraph 56), the parameter deciding unit decides a second parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the receiving terminal (see paragraphs 50, 54-58, and 61-62), and the image processing unit performs predetermined image processing based on the second parameter for the attached image (see paragraphs 50, 54-58, and 61-62). DeSalvo further discloses discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2 and paragraphs 19 and 24).

Regarding claims 3, 6, and 9, Moriya further discloses wherein the type discriminating unit discriminates the type of the receiving terminal having a display (see paragraph 56), the parameter deciding unit decides a third parameter indicating what

processing should be performed for the attached image of the E-mail according to the type of the transmitting terminal and the type of the receiving terminal (see paragraph 68), and the image processing unit performs predetermined image processing based on the parameter for the attached image (see paragraph 68). DeSalvo further discloses discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2 and paragraphs 19 and 24).

Regarding claims 5 and 8, Moriya further discloses a second type discriminating step of discriminating, based on the header of the E-mail, a type of the receiving terminal having a display (see paragraph 56), a second parameter deciding step of deciding a second parameter indicating what processing should be performed for the attached image of the E-mail according to the type of the receiving terminal (see paragraph 68), and a second image processing step of performing predetermined image processing based on the second parameter for the attached image (see paragraph 68), wherein the image substituting step substitutes an image processed in the first image processing step and the second image processing step for the attached image of the E-mail (see paragraphs 44-48). DeSalvo further discloses discriminating based on a header of the E-mail the type of receiving terminal (see Fig. 2 and paragraphs 19 and 24).

Allowable Subject Matter

5. Claims 10-11, 13-14, and 16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose, teach, or suggest the claimed limitations of (in combination with all other limitations in the claims), wherein: first groups are set so that at least one of the first groups includes plural types of transmitting terminals, second parameters are allocated to the first groups, respectively, and the parameter deciding unit decides the first parameter from the second parameters allocated to the respective first groups according to the discriminated type of the transmitting terminal, as set forth in claim(s) 10, 13, and 16.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
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/Mark R. Milia/
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